

CITY OF
HAYWARD
HEART OF THE BAY

Work Session: South Hayward BART Transit-Oriented Development Project

*Kelly McAdoo Morariu
Assistant City Manager*

July 12, 2011



Purpose of Work Session

- Present current overview of South Hayward BART Transit Oriented Development project
- Answer Council questions and receive input on more specific elements of the deal:
 - 1) Disbursement Agreement with State Department of Housing and Community Development (HCD)
 - 2) Owner Participation Agreement (OPA) with Wittek/Montana Development and Eden Housing
 - 3) Developer request to modify certain project Conditions of Approval
 - 4) Joint Powers Authority (JPA) Agreement with Bay Area Rapid Transit District (BART)

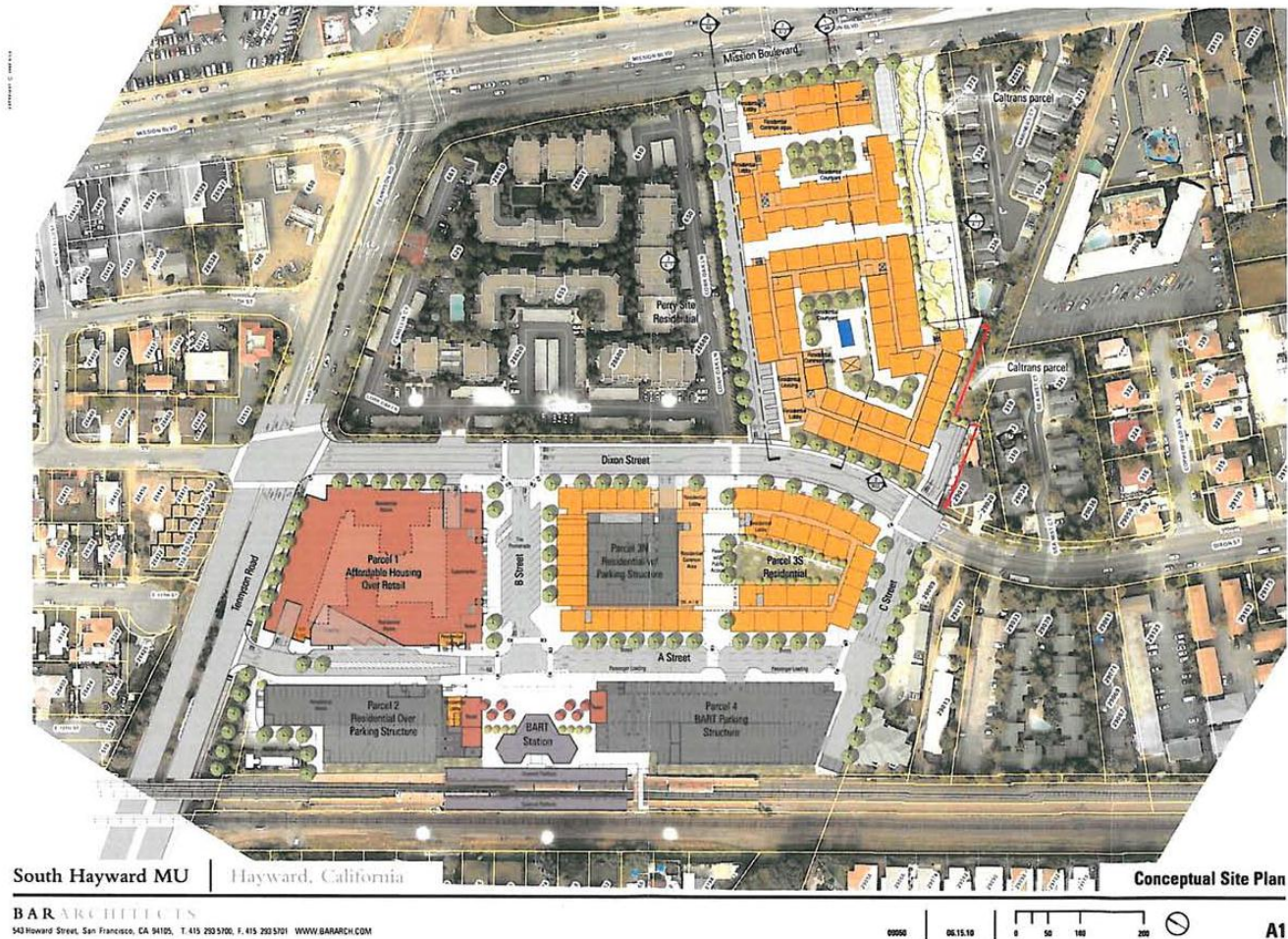


Current Project Status

- Minor Modification to Preliminary Development Plan approved by Development Services Director on June 8, 2011.
- Phase I to include 151 affordable units and 203 market-rate rental units (mapped for condos) on east side of Dixon Street.
- Phase I revised HCD funding: up to \$33.1 million (up to \$18 million Infill Infrastructure Grant (IIG) and \$15.1 million Transit Oriented Development (TOD) Housing Funds).
- Approval of \$6 million loan to Eden Housing on June 14, 2011 for affordable component of project.
- Current Status of Redevelopment Agency/Timing constraints.



Revised Project Phasing Plan



REVISED PROJECT



Key Issues: HCD Disbursement Agreement for IIG funds

- Phase I revised HCD funding: up to \$33.1 million (up to \$18 million Infill Infrastructure Grant (IIG) and \$15.1 million Transit Oriented Development (TOD) Housing Funds)
- City (and possibly Redevelopment Agency) jointly and severally liable for up to \$18 million of IIG funds only (City/Agency not liable for TOD funds).
- Addressing this potential IIG liability is key issue for City



Key Issues: Owner Participation Agreement (OPA)

- OPA governs development and operation of Phase I of the development between Wittek/Montana and Eden Housing and City/Agency
 - Requires payment of prevailing wages
 - Certain tenant protections if rental units are eventually sold as condos
 - Would require development of park on CalTrans parcels (pending Council discussion on Conditions of Approval)
 - Requires formation of Lighting and Landscape Assessment District (pending Council discussion on Conditions of Approval)
- Outlines preconditions to disbursement of HCD funds to developers
- Provides security to protect City's liability for HCD IIG funds

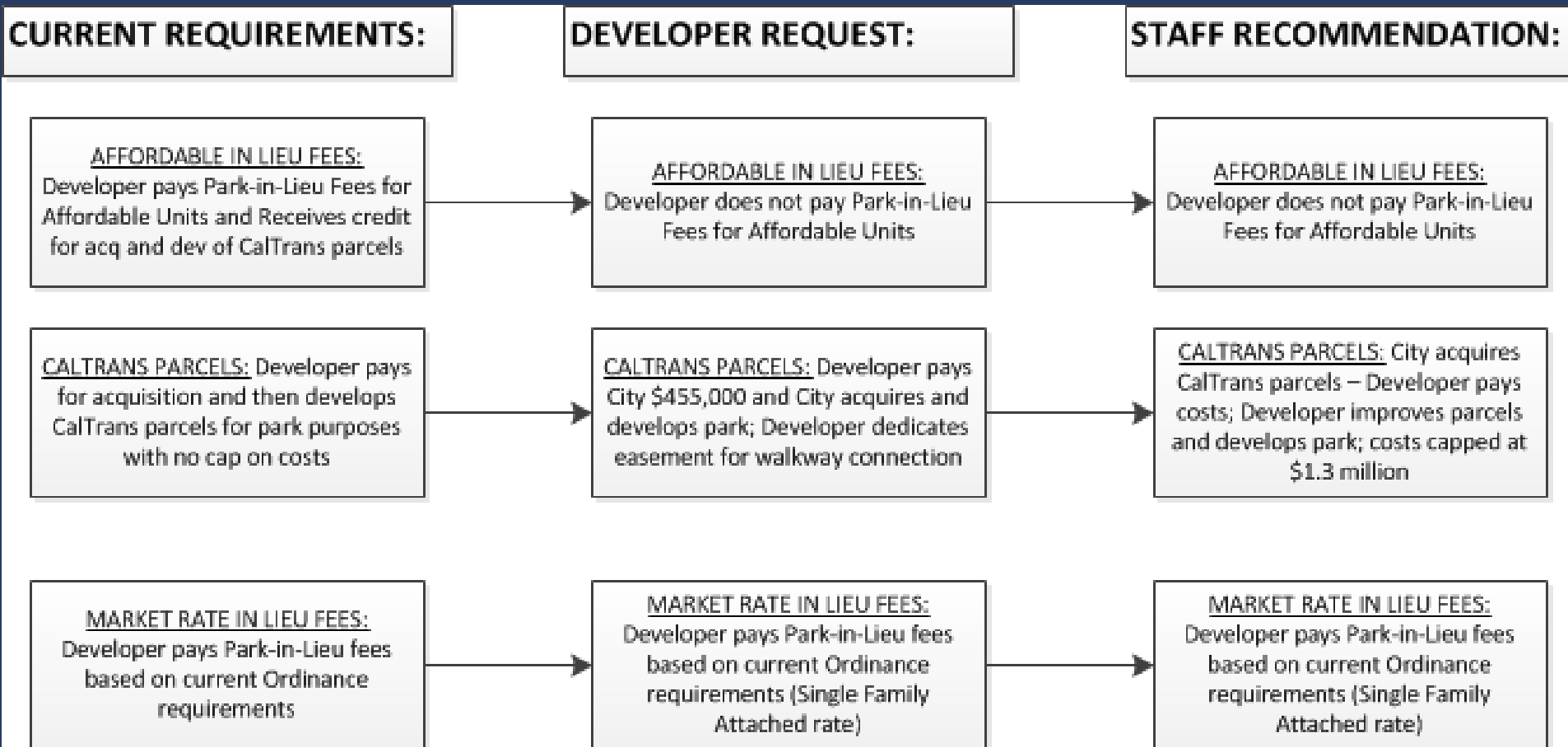


Key Issues: Requested Modifications to Conditions of Approval

- Traffic Signal on Dixon Street:
 - Staff and Developer in agreement on proposed modification
- Landscape and Lighting Assessment District:
 - Staff recommends maintaining this requirement; developer requests elimination of this condition
- Park In Lieu Fees



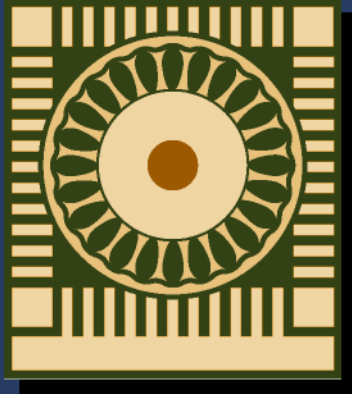
Conditions Related to Park in Lieu Fees



Council Direction Needed

- OPA:
 - Are terms and conditions generally acceptable as outlined?
- Conditions of Approval:
 - Council direction on developer's request and staff recommendations
 - * Traffic Signal
 - * Landscape and Lighting Assessment District
 - * Park In Lieu Fees
 - Affordable In Lieu Fees
 - CalTrans Park Costs





Council Questions and Discussion



Key Issues: Joint Powers Authority (JPA) with BART

- Purpose:
 - To guarantee BART patron parking upon sale of BART East parking lot to Wittek/Montana
 - To guarantee a certain number of parking spaces will be available on City streets (173 spaces on existing East lot for Phase I)
- Initial Activities: to commission a study regarding parking and access at the South Hayward BART Station
- JPA Board and Voting Process
- Liability
- Staffing



Next Steps

- Based on Council direction, staff to continue negotiations with Developers and BART on various project elements.
- Return July 26 for: authorization to negotiate and execute Disbursement Agreement and OPA; approval of any modifications to project Conditions of Approval; and approval of Joint Powers Authority Agreement with BART.

